

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION

FILED BY *eg* D.C.  
05 NOV -7 PM 4:13

THOMAS M. GOULD  
CLERK, U.S. DISTRICT COURT  
W.D. OF TN, MEMPHIS

CHARLES WAGNER,

Plaintiff,

v.

No. 04-2696-B/V

MERIT DISTRIBUTION,  
AUSTIN TRUCK & TRAILER REPAIR CENTER,  
JAMES AUSTIN SR., in his individual capacity,  
and JAMES AUSTIN JR., in his individual capacity,

Defendants.

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**ORDER OF REFERENCE**

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Before the court is Plaintiff's Renewed Motion for Extension of Time in Which to Respond to Summary Judgment Motions filed on November 4, 2005.

This motion is referred to the United States Magistrate Judge for determination. Any objections to the magistrate judge's order shall be made within ten (10) days after service of the order, setting forth particularly those portions of the order objected to and the reasons for the objections. Failure to timely assign as error a defect in the magistrate judge's order will constitute a waiver of that objection. See Rule 72(a), Federal Rules of Civil Procedure.

IT IS SO ORDERED this 7<sup>th</sup> day of November, 2005.

  
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J. DANIEL BREEN  
UNITED STATES DISTRICT JUDGE



## Notice of Distribution

This notice confirms a copy of the document docketed as number 48 in case 2:04-CV-02696 was distributed by fax, mail, or direct printing on November 8, 2005 to the parties listed.

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Honorable J. Breen  
US DISTRICT COURT